IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5327 OF 2004

IN S.C.No. 837/2004

Jaffar Abdul Rahim Shaikh ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Anjali Patil Contractor for Applicant.
Shri A.S. Gadkari, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 06, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. In the peculiar facts and circumstances of the case, as it is seen that the applicant and the victim girl Bushara Khan, though of tender age, were in love with each other. Though the offence is made out, taking overall view of the matter, the Applicant deserves to be granted bail by imposing strict conditions as it is unlikely that the trial will conclude at an early date.

(a) The Applicant is granted bail in connection with C.R. 431/2004, registered with Bandra Police Station, on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentyfive thousand only) with two local sureties in the like amount.

(b) The applicant shall report to the nearest Police Station once in a fortnight on Saturday between 10 a.m. to 1 p.m..

(c) The applicant shall inform the place of residence within one week from the date of his release to the investigating officer as well as to the trial court.

(d) The applicant shall not leave jurisdiction of the nearest police station where he intends to live, without prior intimation to the Investigating Officer as well as to the Trial Court.

(e) He shall extend full co-operation to the investigating officer as well as for early disposal of the trial. If the trial court is of the opinion that

he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(f) The Applicant shall not enter the district of Bombay during the pendency of the trial nor shall attempt to contact the victim girl during the pendency of the trial.

(g) The applicant will, however, be entitled to attend the proceedings on the given dates and visit Bombay for that limited purpose.

(h) He shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

(i) The applicant undertakes to abide all the above conditions.

3. Ordered accordingly.

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